

REMARKS

Claims 1-4 are pending in this application. By this Amendment, claim 1 is amended.

No new matter is added to the application by this Amendment. Support for the features added to claim 1 can be found within the specification, as originally filed, at, for example, page 8, line 15 – page 9, line 4.

I. Rejection Under 35 U.S.C. §103

Claims 1-4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,266,938 to Sheu et al. (hereinafter “Sheu”) in view of U.S. Patent No. 2,345,500 to Petter. This rejection is respectfully traversed.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under §103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in

analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office acknowledges that Sheu does not disclose the step of (a) installing the steel-frame pillar on a shaft portion of the core (see page 3 of the present Office Action). The Patent Office introduces Petter as allegedly teaching a step of installing a pillar on the shaft portion of a concrete footing/foundation core. The Patent Office alleges that (1) Petter and Sheu are analogous art because they are from the same field of erecting static load-bearing structures, (2) it would have been obvious to one of ordinary skill in the art to install the steel-frame pillars of Sheu on the shaft portion of the core of Petter, and (3) the motivation to combine would have been to provide a base

support to the structure of Sheu. Applicant respectfully disagrees with these allegations.

Both Sheu and Petter, taken singly or in combination, fail to teach or suggest a core wall as recited in the present claims. Petter, at best, teaches a concrete footing or foundation wall 15, which extends around the four sides of the square whose corners are formed by the posts (see the paragraph bridging columns 1 and 2 and Fig. 3 of Petter). Sheu teaches a steel floor structure that includes reinforcing connectors of a plate shape fixed on a side wall of the main steel member of the beams (see col. 2, lines 34-36 of Sheu). However, the side wall according to Sheu does not teach or suggest the present core wall because Sheu's side wall is an element which is only located around the same level as the column or beams of Sheu.

Thus, neither Sheu nor Petter, taken singly or in combination, teaches or suggests a method having a portion of the anchor-connecting member being buried in a core wall as required by claim 1. Additionally, Sheu and Petter, taken singly or in combination, fail to teach or suggest a method comprising the steps of (d) arranging a reinforcing bar in a deck plate or a slab type mold installed on the steel-frame beam, and mounting a reinforcing bar on a wall of the core and (e) applying concrete for a slab and concrete for the wall of the core simultaneously or in this order as required in amended claim 1.

Because these features of independent claim 1 are not taught or suggested by Sheu and Petter, taken singly or in combination, these references would not have rendered the features of claims 1-4 obvious to one of ordinary skill in the art.

Thus, reconsideration and withdrawal of this rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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